S.B. Cr. Misc. Bail Application No. 4889/2007
(Smt. Mohan Kumari and Anr. Vs. State of Rajasthan)

Date of order : 09.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Sandeep Mehta for the petitioners.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and police investigation diary.

The allegation against the present petitioners is that they are attesting witness to a forged will. They have identified a fictitious person as Prembai, whereas it was not Prembai who executed the will. The will alleged to have been forged as it bears the thumb impression of the executant whereas Prembai is literate lady and used to sign. On the strength of the forged will, the property has been got transferred in favour of Smt. Hansa.

Keeping in view the serious allegation against the petitioners to the extent that they were party to forging of a will having identified a fictitious person impersonating such person to be Prembai, whereas it was not Prembai who executed the will, in my view, in such matters, custodial interrogation is necessary. In this view of the matter, it is not a fit case to grant anticipatory bail to the petitioners. The bail application filed by the petitioners under Section 438 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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